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Note verbale dated 17 March 2008 from the Permanent Mission of Brazil to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Brazil to the United Nations presents its compliments to the President of the United Nations General Assembly and, with reference to its note 199, dated 11 June 2007, which announced Brazil's candidature to the Human Rights Council, has the honour to enclose a record of the voluntary pledges and commitments of the Government of Brazil to the promotion and protection of human rights, in accordance with General Assembly resolution 60/251 (see annex). The Permanent Mission of Brazil would highly appreciate it if the present note and its annex could be circulated as a document of the General Assembly.

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Annex to the note verbale dated 17 March 2008 from the Permanent Mission of Brazil to the United Nations addressed to the President of the General Assembly

Brazil's voluntary pledges vis-à-vis the Human Rights Council

I – PARTICIPATION IN THE HUMAN RIGHTS COUNCIL (HRC)

Brazil has always been committed to ensuring the universal application of human rights, bearing in mind the risks of politicization and selectivity inherent in addressing the human rights situations in specific countries. That concern inspired the Brazilian proposal, presented during the institutional building process of the HRC, of adopting substantive criteria to consider resolutions about countries, based on information obtained from treaty-monitoring bodies, special procedures and the complaint mechanism. Although the institutional framework of the HRC provides for other measures to reduce the risks of politicization and selectivity regarding the human rights situations in specific countries, Brazil will remain alert to this concern, without disregarding the actual human rights situation on the ground.

With regard to the importance of the HRC reviewing the human rights situation in any specific country, Brazil wishes to reiterate the importance it attributes to implementing the Universal Periodic Review Mechanism (UPR). Such mechanism bears a resemblance to the Brazilian proposal on a global human rights report, which was submitted on various occasions to the former Commission on Human Rights. Brazil will be the ninth member state to be evaluated by the new mechanism, in April 2008, and will participate in this exercise in a transparent and constructive manner. Brazil is convinced that the UPR will strengthen the principles of universality, indivisibility and non-selectivity in considering the human rights situations throughout the world. Brazil will undertake its best efforts to ensure that this exercise produces recommendations that are sensitive to the need for strengthening institutions in the country under review, thus acting as a catalyst for actions of dialogue and cooperation conducted under the aegis of the Office of the High Commissioner for Human Rights.

Brazil remains committed to contributing to the process of reviewing the special procedures created by the former Commission on Human Rights. This commitment is illustrated by the Brazilian proposal, approved during the Sixth Ordinary Session of the HRC, to renew and broaden the mandate of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health. In the debates concerning the review of mandates, Brazil's actions will continue to be guided by its concerns with both avoiding any gaps in protecting human rights and conferring visibility and meaningfulness on the mandates already approved.

Brazil remains ready to contribute to initiatives carried out by the Human Rights Council within the framework of the World Program for Human Rights Education, as well as in the field of international cooperation on human rights.

After the creation of the National Committee for Human Rights Education, in 2003, Brazil prepared its National Plan for Human Rights Education, in consultation with civil society organizations. The actions under that Plan will gain new impetus with the commemorations, in 2008, of the 60th anniversary of the Universal Declaration of Human Rights.

In addition, in the area of international cooperation on human rights, an office for international cooperation was created under the Special Secretariat for Human Rights, within the Office of the President of Brazil. This office is engaged in identifying opportunities for cooperation in this area, by both receiving and providing assistance, bilaterally and trilaterally. Moreover, concerning international cooperation, Brazil is well aware that it is necessary to pursue such cooperation in a manner that does not impose requirements or conditions, since initiatives undertaken in this area can only be fully successful if the State that benefits from the cooperation is fully engaged.

II – THE RELATIONSHIP WITH INTERNATIONAL MECHANISMS FOR MONITORING, PROMOTING AND PROTECTING HUMAN RIGHTS

Brazil's preparation of its first UPR report brought about useful and critical dialogue among the government authorities involved in its preparation and representatives of civil society. As one of the first results of that dialogue, the Brazilian government decided to begin preparing annual reports about the human rights situation in Brazil. It is also worth noting the effort undertaken by Brazil to create a national system of indicators to monitor the degree to which human rights are respected, a tool that Brazil considers essential to better guide the formulation and application of policies to promote and protect such rights.

Since December 10, 2001, Brazil has extended a standing invitation for all thematic special rapporteurs and independent experts of the current Human Rights Council to visit Brazil. Since then, Brazil has maintained a constructive dialogue with these mandate holders. Since 1998, eleven rapporteurs have visited Brazil. In order to strengthen the dialogue with these special procedures, Brazil has pledged to intensify the follow-up actions on the recommendations that arise from this dialogue.

Brazil is also committed to strengthening its relationship with treaty-monitoring bodies by preparing periodic reports addressed to these committees, as well as following up on the recommendations issued by them. Brazil understands that building a national system of human rights indicators will facilitate the achievement of these goals.

III – PREPARATION OF AND ADHERENCE TO INTERNATIONAL HUMAN RIGHTS MECHANISMS

In accordance with the pledges made when presenting its candidacy for the Human Rights Council in 2006, Brazil supported the completion by the HRC of the draft International Convention for the Protection of All Persons from

Enforced Disappearance, having been one of the first countries to sign this agreement, on February 7, 2007. Similarly, Brazil supported completion of the negotiations and signed the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, on March 30, 2007. Both instruments have already been forwarded to the Brazilian Congress, where they are being reviewed with the aim of completing the ratification process.

Brazil has supported the United Nations Declaration on the Rights of Indigenous Peoples, both during the process that led to its approval by the Human Rights Council in June 2006 and when the final version of the Declaration was adopted by the Third Committee of the UN General Assembly in September 2007.

Brazil attributes great importance to the HRC activities for the development of international human rights law and will continue to pledge its support to the negotiation of international agreements that will close any possible protection gaps that may exist internationally. Brazil has participated with interest, in this context, in the Working Group that is preparing the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In accordance with the voluntary pledge made on the occasion of its candidacy to the HRC in 2006, Brazil deposited, in January 2007, its instrument of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the same area, Brazil is considering recognizing the competence of the Human Rights Committee to receive and review individual complaints of violations of the International Covenant on Civil and Political Rights (ICCPR), as provided for in its First Optional Protocol.

Brazil is also considering adhering to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty. Such an adherence would reflect the provisions of the Brazilian Federal Constitution of 1988, which prohibits the death penalty in Brazil, which in any case had not been carried out in the country since 1876. In 1998, Brazil ratified the Protocol to the Inter-American Convention on Human Rights concerning the Abolition of the Death Penalty. Brazil was one of the co-sponsors of resolution A/RES/62/149, regarding the adoption of a moratorium on carrying out the death penalty, which was the first such document to address this topic within the United Nations General Assembly.

IV – BRAZIL'S RELATIONSHIP WITH THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

Brazil will continue to support the activities of the Office of the High Commissioner for Human Rights. The High Commissioner for Human Rights, Mrs. Louise Arbour, visited Brazil in December 2007. That visit made it possible to enhance dialogue and identify new opportunities for partnership and cooperation between Brazil and the OHCHR.

In 2007, in partnership with the OHCHR, Brazil hosted an International Seminar on Human Rights and Military Justice, a topic that is now the subject of a cooperation initiative between Brazil and East Timor. In June 2008, Brazil will also host the Regional Conference in preparation for the Durban Review Conference, in partnership with the OHCHR. Another topic that may be of interest for dialogue and cooperation initiatives is the work that the OHCHR has also been carrying out with regard to preparing systems of human rights indicators.

Of particular interest to Brazil are the preparations to commemorate the 60th Anniversary of the Universal Declaration of Human Rights. Domestically, Brazil will sponsor a series of events and actions aimed at raising awareness among public officials and civil society on the range of topics related to human rights and at strengthening the mechanisms necessary to protect them. In addition to these actions, Brazil is convinced of the importance of providing greater visibility to this topic internationally, which inspired the Brazilian proposal—adopted by the HRC in its Sixth Ordinary Session—to engage the Council in preparing a set of voluntary international human rights goals.

V – STRENGTHENING THE REGIONAL SYSTEMS FOR PROMOTING AND PROTECTING HUMAN RIGHTS

Brazil will continue to work for the strengthening of the Inter-American Human Rights System. Brazil is one of the main advocates of a draft Inter-American Convention against Racism and all Forms of Discrimination, which is currently being prepared. It is engaged in the discussions under the Organization of American States aimed at reforming the regulations and strengthening the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Brazil has also maintained an active dialogue with both the Commission and the Court in following up on claims of human rights violations in Brazil.

Brazil will seek to strengthen cooperation and political dialogue on human rights with the Mercosul member countries and associated states, within the framework of the Meetings of High Level Human Rights and Foreign Affairs Authorities of Mercosul. Brazil will also encourage cooperation and political dialogue on human rights within the Union of South American Nations (UNASUL).

Even though Brazil's engagement in all regional and international mechanisms for the protection of human rights reflects Brazil's commitment to promoting human rights both domestically and internationally, Brazil still faces challenges in fully implementing human rights and pledges to improve the political and regulatory frameworks that are necessary to achieve this goal.

In this spirit, Brazil has begun preparations to draft the III National Human Rights Program, a process that will culminate in holding the XI National Conference on Human Rights, in December 2008, after a wide-ranging consultation process involving civil society. Brazil will continue to attribute an essential role to the participation of civil society in this context, in which the

mobilization of and critical feedback from civil society will be essential not only for updating the National Human Rights Program, but also for enhancing the means and capabilities necessary for improving the protection of human rights throughout Brazil."